

**Environmental Assessment
TLC Health Network
Tri-County Family Medicine Clinic
Facility Replacement Project
Town of Hanover, Chautauqua County, New York
FEMA-1857-DR-NY**

July 2011



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
Region II
26 Federal Plaza, NY, NY 10278

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LIST OF ACRONYMS

ASTM	American Society for Testing and Materials
CFR	Code of Federal Regulation
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
FONSI	Finding of No Significant Impact
HEI	Hazard Evaluations, Inc.
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NYS	New York State
NYSBC	New York State Building Code
NYSDEC	New York State Department of Environmental Conservation
NYSHPO	New York State Historic Preservation Office
NYSOEM	New York State Office of Emergency Management
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
TLC	TLC Health Network (Applicant)
Town	Town of Hanover
USDA-NRCS	United States Department of Agriculture-Natural Resources Conservation Service
USGS	United States Geological Survey
Village	Village of Forestville

1.0 INTRODUCTION

The TLC Health Network (TLC) Family Medicine Facility in Chautauqua County, New York experienced storm damages from heavy rains that occurred during severe storms and flooding from August 8-10, 2009. The storm incident period was declared a major disaster by President Obama on September 1, 2009 and federal public assistance was made available to affected communities and non-profit organizations such as TLC per FEMA 1857-DR-NY and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121 et seq., as amended. The TLC medical facility building at 13 Main Street in Forestville, New York was significantly damaged during the disaster and was condemned and later demolished by the Village of Forestville. Reportedly seven inches of rain fell within a matter of a few hours and pooled on an exposed flat roof of the adjacent and connected structure at 15 Main Street. 15 Main Street partially collapsed, resulting in a structurally unsound condition of both structures.

TLC, hereinafter referred to as Applicant, has requested federal financial assistance from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) to construct a relocated permanent facility at a property located at 11024 Bennett State Road in Hanover, NY. The Applicant has also requested financial assistance for costs associated with construction of a temporary modular clinic at an interim facility located at 4 Hanover Street, Forestville, NY. The interim facility was an emergency measure implemented to provide the community with continued clinical care until planning and construction of a permanently relocated facility occurred. The interim facility currently houses the family medical clinic operations, and involved lease of the property, placement of a rented trailer, installation of trailer skirting and a ramp for accessibility, as well as minor parking improvements. See Appendix A for a location map of all three (3) sites.

The Applicant has applied for federal funding as a grant applicant, and is also referred to as a sub-grantee. New York State serves as the grantee for the disaster recovery operation, as represented by New York State Office of Emergency Management (NYSOEM). The proposed project is referenced as sub-grant application #807-permanent and #1053 interim facilities for FEMA1857-DR-NY. The Applicant is seeking federal financial assistance to apply towards rental costs for use of the temporary relocation building, property acquisition, and planning, engineering, design and construction of the new medical facility at Bennett State Road.

FEMA is required as a federal agency to evaluate the potential environmental impacts of its proposed action and alternatives to the proposed action, in order to make an informed decision in defining a proposed project for implementation that incorporates to the extent practicable measures to avoid, minimize or mitigate adverse impacts to the human environment. The environmental analysis is conducted in compliance with the National Environmental Policy Act (NEPA), and its implementing regulations at 40 CFR Parts 1500-1508 and FEMA's regulations at 44 CFR Part 10. FEMA evaluates financial assistance projects prior to grant approval. This Environmental Assessment (EA) serves as documentation of FEMA's analysis of the potential environmental impacts of the proposed construction of a medical facility, including analysis of project alternatives, and identification of impact minimization measures. The document serves as written communication of the environmental evaluation for public and interested party comment. Public involvement is a component of NEPA to inform an agency's determination of whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI).

2.0 PURPOSE AND NEED

The purpose of the proposed project is to restore a family medical clinic of equal or better structural operation than existed prior to the disaster incident. The need for the project is to fully re-establish a facility so that the community has available essential medical support services.

3.0 ALTERNATIVES CONSIDERED

3.1 Proposed Action

The proposed action would provide construction of a new family medical facility to restore critical medical services to the affected community. The new medical facility would be constructed at a relocated site at 11024 Bennett State Road, Hanover, NY. The Applicant would purchase a 2-acre sub-divided lot of a 29-acre parcel with 200 feet of frontage along Bennett State Road. The site is located approximately one-mile from the original facility in Forestville (*See Appendix A: Figures A2-A5 Site Location Maps*).

A 2,930 sq. ft. facility structure is proposed. The building foundation would consist of a slab on-grade construction with footings to an elevation below the frost line. It is anticipated the building envelope would be typical of small office/residential type construction with metal studs, vinyl and brick siding and an asphalt roof. There would be three separate clinic exams rooms, a treatment room, reception/waiting space, office and support space (*See Appendix A: Figure A6 Preliminary Building Plan*).

Access to the facility would require construction of a new road and parking area for approximately 12 - 15 vehicles. Sanitary waste would be managed via an onsite wastewater treatment system with a septic tank and leach field. Electric and gas service would come from existing lines on Bennett State Road. Water supply would be provided by a well to be constructed. Stormwater runoff would be managed through onsite management measures such as a stormwater detention pond (*See Appendix A: Figure A7 for Site Concept Plan*).

The proposed action would involve demobilization of its interim facility at 4 Hanover Street in Forestville. The modular trailer that currently exists at this site would be relocated or sold, and any required site restoration would occur to end the lease of this property.

The original facility site would be secured and available for future re-use by the Applicant or owner.

3.2 No Action

If no federally funded project were implemented, it is anticipated that the Applicant would continue to operate the clinic out of the interim facility site at 4 Hanover St. Forestville, NY. The Applicant leased the land and office-trailer modular as an emergency measure after the original building at 13 Main St. in Forestville was demolished. It is anticipated that with the no action alternative that the Applicant may be limited in its ability to provide the same level of health care as was provided at its original facility. It is also anticipated that under the no action alternative, the Applicant may not have the financial capability to construct a permanent facility without federal disaster recovery funding.

The original facility site would be secured and available for future re-use by the Applicant or owner.

3.3 Alternatives Screened from Further Consideration

Reconstruction of the clinic at its original location was screened from consideration due to the constraints of the footprint and coordination needed with the other adjoining property owners at 11 and 15 Main Street. The original facility was the middle structure of three (3) adjoined townhouses. Reconstruction of a free standing building would be limited by current code compliance and installation of a new septic system in one-third of the space would be challenging if not impractical.

New Construction of the clinic at the interim location was also screened from consideration because the site is not large enough to accommodate a 3,000 s.f. facility.

Over the past year, the Applicant searched extensively to find alternative locations for relocation construction of a new family medical clinic facility. The Applicant worked with real estate professionals in the area and failed to come up with any alternative locations that met the specific needs for a permanent medical clinic location except for the proposed action site. It was important that the clinic be situated in close proximity to the original facility to ensure that the community, especially the elderly and chronically ill, would be able to easily access the care they need within short commuting distance from their homes.

These alternatives are not carried forward into the environmental evaluation of this environmental assessment; however, they demonstrate the Applicant's planning process and initial steps to make an informed decision for implementation of the site alternative to achieve project purpose and need, and to minimize future risk of flood damages to the clinic and the population it serves.

4.0 AFFECTED ENVIRONMENTS AND POTENTIAL IMPACTS OF THE ALTERNATIVES CONSIDERED

4.1 General Site Description

The original facility location at 13 Main Street is now an empty lot, as are the adjoining parcels at 11 and 15 Main St. The structure at 15 Main Street had partially collapsed prior to demolition. The demolition debris has been removed by the Village. The original facility site will be secured for future re-use or open space use by the owner. The original building that was demolished had been constructed circa 1870 and had been recommended for listing to the National Register of Historic Places in 1999. The site was also located in proximity to a mapped archaeologically sensitive area. FEMA consulted with the New York State Historic Preservation Office (NYSHPO) regarding the demolition undertaking of the original facility building. NYSHPO concurred with FEMA's finding that the action was exempt from provisions of Section 106 of the National Historic Preservation Act under 36 CFR Part 800.12(d) due to the emergency situation of the partially collapsed adjacent structure. See Appendix H for FEMA consultation. The original facility will not be further analyzed in the following environmental impact analysis sections, as there are no environmental impacts associated with the original facility or differences in treatment of the original facility with the no action and proposed action alternatives.

The interim facility location is an open lot with minimal mature trees at the perimeter, now developed with the trailer and parking, and formerly a vacant lot. The surrounding area is a mixed use area comprised of residential, commercial and agricultural use.

The proposed two-acre site for the new clinic facility is in an active agricultural field. It is part of a larger 29-acre site bounded to the north, east and south by fields supporting grapevines and to the west by Bennett State Road. Directly across Bennett State Road is the Bailey Manufacturing, 40,000s.f. manufacturing facility supplying automotive products. Besides agricultural and manufacturing use, the buildings in the general vicinity of the site are two-story residential homes. The Applicant has been granted a special use variance to build their clinic. A Summary of the potential environmental impacts of the No Action Alternative and Proposed Action are attached as Table 1. *See Appendix A: Figure A8 Site Photos.*

Physical Resources

4.2 Geology, Soils & Seismicity

4.2.1 Existing Condition

Chautauqua County contains several bedrock formations- those along Lake Erie occur in bands of an east-west orientation. The bedrock underlying the vicinity of the project area is comprised of a variety of black and gray shale from the West Falls Group (i.e., Angola Shale) and the Candaway Group (i.e., Dunkirk Shale, south Wales's shale). Ground surface conditions and soils are derived from both lake sediment and Wisconsin glacial till deposits. The project area lies near the boundary of the Erie-Ontario Lake Plain and Allegheny Plateau physiographic regions. Typical landscapes within this region consist of relatively steep valley walls, wide ridge tops and flat-bottomed hills between drainages (Floyd et al 1998).

The Natural Resource Conservation Service (NRCS) identifies the soils at the proposed site to be primarily Valois gravelly silt loam, a small portion of Niagara silt loam and Chenango Channery loam. *See Appendix B for soils map.*

A Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 was conducted by Hazard Evaluations, Inc (HEI) in June 2011 at the proposed new construction site. "This assessment has revealed no evidence of recognized environmental conditions in connection with the subject site. Therefore, HEI does not recommend that a Phase II Environmental Site Assessment be completed on this site. However, HEI does note the following de minimus conditions which, although not rising to the level of recognized environmental conditions, present limited liability and should be considered by the client."

- "A review of available state and federal regulatory records revealed that the adjoining property to the west of the subject site across Bennett State Road (site currently occupied by Bailey Manufacturing Company) was previously classified as an inactive hazardous waste disposal site by the NYSDEC. Corresponding records indicate that process waters and electroplating solution generated by Bailey Manufacturing were historically discharged directly to a septic system located on the back (west) side of the facility. This practice, which reportedly led to limited contamination of the groundwater (Lead, Cadmium and Trichlorethene) as determined through a site investigation conducted in 1988. Following the investigation, the NYSDEC mandated that a treatment system be installed at the site to

Table 1 Summary of Potential Environmental Impacts of Project Alternatives

Resource	No Action Alternative	Proposed Action
Geology, Soils, & Seismicity	No impact.	No significant impact.
Land Use	No impact.	No significant impact. Adverse impact to 2-acres of prime or protected farmland to be converted to developed property for new medical clinic facility.
Air Quality	No impact.	No significant impact. Minor, temporary impact associated with dust and particulate matter during construction.
Water Quality	No impact.	No significant impact.
Wetlands	No impact.	No impact.
Floodplain Management	No impact.	No impact.
Fish & Wildlife Habitat	No impact.	No significant impact.
Cultural Resources	No impact.	No Historic Properties Affected.
Visual Resources	No impact.	No significant impact.
Socioeconomics	Negative impact due to diminished health care capabilities.	Positive impact in restoring full health care services for the affected community.
Environmental Justice	No impact.	No impact.
Public Health & Safety	Negative impact on socioeconomics due to diminished health care capabilities.	Proposed Action benefits public health and safety due to re-establishment of full health care operation.
Utilities	No impact.	No significant impact.
Traffic	No impact.	No significant impact. Proposed site is suitable for clinic due to location adjacent to Bennett State Road.
Noise	No impact.	Minor, temporary noise disturbance during construction. Noise associated with operation similar to ambient condition, and surrounding facilities.

properly manage the process wastewaters and a NYSDEC SPDES permit with routine monitoring requirements was issued to the facility which still remains in effect...Due to the low level exceedances and the fact that there were no drinking water sources within the immediate vicinity of this site, the NYSDEC concluded that contamination at the site was not significant threat to human health or the environment. The site was subsequently removed from the inactive hazardous waste disposal site registry by the Department in 2002”.

- This site has been used as a grape vineyard for over 100 years with routine application of pesticides, fungicides, insecticides and fertilizers; possible residuals of these substances may exist on the site. “HEI suggests that under the proposed subject site use conditions as a medical office and clinic, potential patient exposure to residual pesticides in the soil profile does not present a significant environmental or health concern.” See Appendix B – for the full report.

The proposed site is generally well drained, with a moderate degree of erosion potential. Frost action is not severe. Excavations in the Valois series do have a tendency to subside, installation of utilities and foundations will need to be executed accordingly. The Valois type soil on site is considered to be prime farmland, the Niagara type soil is prime farmland when drained.

Executive Order 12699 requires Federal agencies assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings to initiate measures to assure appropriate consideration of seismic safety. The United States Geologic Survey (USGS) Percent Peak Ground Acceleration Seismic Hazard Maps adopted by the New York State Building Code (NYSBC) indicate that the facility sites are in a moderate hazard area, as is most of the state (*See Appendix B Seismic Hazard Map*).

4.2.2 Potential Environmental Impacts

The development of the interim facility site has had minimal impact on geology, soils and seismicity associated with minor site disturbance on a lot that was previously cleared. The No Action alternative and Proposed Action alternative would not adversely impact the geology, seismicity or soils of the interim facility site.

No Action

The No Action alternative would not impact geology, topography or soils.

Proposed Action

The Proposed Action would develop a portion of the 29-acre site at Bennett State Road and thus convert pervious to impervious cover. Development as described would include building onstruction and parking lot coverage. The geology and soils of the site are suitable for construction. The impact to soils is moderate. Appropriate design measures as dictated in the NYS Building Code will be implemented to reduce the seismic hazards during the planning and construction of the facility.

4.3 Land Use

4.3.1 Existing Condition

Chautauqua County is a rural county. According to the County website, much of the county is forested (45.70%) or agricultural (45.61%) and the balance being commercial, manufacturing and residential. The Chautauqua soils of the proposed facility site are classified as prime farmland soil. The Farmland Protection Policy Act (FPPA) requires federal agencies to minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural use and to assess potential conversion of farmland to developed property. The proposed facility site has been agrarian use for the last 100 years. See appendix C for consultation with NRCS, impact conversion rating form, impact calculation and soils map.

The land use of the interim facility is commercial and was previously a vacant lot.

4.3.2 Potential Environmental Impacts

The land use for the interim facility would not change with the No Action or Proposed Action alternatives.

No Action

No impacts to land use with implementation of the No Action alternative.

Proposed Action

The land use for the proposed site would change with the proposed action. The soils of the proposed project site are classified as prime farmland soils. The site itself has already been used for agricultural grape vine crops. The Environmental Assessment document will be circulated by FEMA to various federal agencies including USDA-NRCS for concurrence with FEMA's determination per the FPPA.

The project has received a special use permit, and site plan approval by the Town of Hanover.

4.4 Air Quality

4.4.1 Existing Condition

Chautauqua County is designated as being in attainment of National Ambient Air Quality Standards (NAAQS) for criteria pollutants sulfur dioxide (SO₂), carbon monoxide (CO), nitrogen dioxide (NO₂), lead (Pb), PM₁₀ and PM_{2.5}. The State of New York is treated as a moderate nonattainment area for ozone (O₃) because it is included in the Ozone Transport Region (New York, New Jersey, Pennsylvania, Delaware, the six New England states, Washington D.C. and portions of Virginia).

4.4.2 Potential Environmental Impacts

No Action

No air quality impacts would result from the No Action alternative.

Proposed Action

Impacts to air quality with the Proposed Action would be minor, temporary, and localized due to dust and particulate matter during building and site construction at the proposed site, and potential

trailer and site amenities removal at the interim facility. Best management practices, including dust control, could be used during construction to minimize air quality impacts. Construction equipment emissions would be negligible and accounted for in the State's Implementation Plan for air quality.

Water Resources

4.5 Water Quality

4.5.1 Existing Condition

The interim facility site consists of predominantly impervious surface with the existing trailer and asphalt parking lot. The proposed site is located in the Niagara River/Lake Erie major watershed, and the lesser Lake Erie/Chautauqua Creek watershed. The site is approximately 700 +/- feet east of Walnut Creek. Walnut Creek is fed by a number of other smaller streams as it flows north through Chautauqua County, then through Erie County and discharges into Lake Erie after joining with Silver Creek, in the Village of Silver Creek. Uphill and southeast of the site are several small ponds and streams which are tributaries to Walnut Creek. *See Appendix D for Water Resource Mapping, Assessment and Inventory.*

4.5.2 Potential Environmental Impacts

No Action

No water quality impacts would result from the No Action alternative.

Proposed Action

Impacts to water quality with the proposed action are minor. The proposed action would increase impervious cover at the proposed site; however, construction and post-construction runoff would be managed through a stormwater management plan involving potential site detention basins. If final design plans call for site disturbance of over one-acre, a Stormwater Pollution Prevention Plan (SWPPP) would be required. An SWPPP would be developed by the Applicant for compliance with a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) that would be issued pursuant to article 17, titles 7.8 and article 70 of the Environmental Conservation Law of New York State. The Applicant is responsible for securing all applicable permits for protection of water quality, including a New York State Department of Environmental Conservation (NYSDEC) General Permit, as applicable.

4.6 Wetlands

4.6.1 Existing Condition

The interim facility site is in a mixed use area there are no wetlands. Furthermore, there are no wetlands located at the proposed facility site. *See Appendix E: National Wetlands Inventory and NYSDEC Wetlands Map.*

4.6.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on wetlands.

Proposed Action

The Proposed Action alternative would have no impact on wetlands.

4.7 Floodplain Management

Executive Order (EO) 11988 Floodplain Management requires federal agencies to take actions to avoid long-term and short-term impacts associated with occupancy and modification of floodplains. The 8-Step Process for compliance with this EO is integrated with this EA document per 44 CFR Part 9.

4.7.1 Existing Condition

The original site, interim facility site, and proposed new construction site are all located outside the 500-Year Floodplain as illustrated on Flood Insurance Rate Maps Community number 361501B and 3653360015B. In addition, the site character of the proposed site, being several feet higher than the nearest highest flood level and having several feet of grade change from one end to another provides sufficient natural slope to eliminate the possibility of flooding. The surface elevation is approximately 868 feet above mean sea level. A review of the topographic conditions as noted on the USGS Quad map of Silver Creek NY indicate that groundwater within the vicinity of the proposed site flows in a westerly direction toward Walnut Creek some 750 feet to the west of the site. *See Appendix F: Flood Insurance Rate Maps for the original and proposed sites.*

4.7.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on floodplains.

Proposed Action

The Proposed Action alternative would have no impact on floodplains. The proposed site is outside the 500-Year Floodplain, which would be a sustainable site decision and would minimize risk of flood damage to the proposed critical facility.

4.8 Biological Resources - Fish and Wildlife Habitat

4.8.1 Existing Condition

Small mammals, passerine birds, raptors, or larger mammals such as deer would be anticipated to be found on occasion at the proposed site; however, the agricultural land at this location does not support any known nesting, critical or sensitive habitat, and is disturbed by agricultural practices. There is minimal habitat to support fish and wildlife at the interim facility site as it is in a developed area.

Federal agencies must evaluate potential impacts to threatened and endangered species per the Endangered Species Act. After review of the U.S. Fish & Wildlife Service website database and the Applicant's consultation with NYSDEC, FEMA has determined that there are no federally listed threatened or endangered species at the original, interim or proposed sites (*See Appendix G*). Federal agencies must evaluate potential impacts to bald eagle and its habitat per the Bald Eagle Protection Act. The bald eagle, *Haliaeetus leucocephalus*, may be occasionally found in the project vicinity; however there is no habitat for the bald eagle at the original or proposed site.

Federal agencies must evaluate potential impacts to migratory bird habitat per the Migratory Bird Treaty Act. There is no sensitive migratory bird habitat at the interim or proposed site.

4.8.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on fish and wildlife habitat, including federally listed threatened or endangered species, bald eagles or migratory bird habitat.

Proposed Action

The Proposed Action alternative would have no impact on fish and wildlife habitat, including federally listed threatened or endangered species, bald eagles or migratory bird habitat.

4.9 Cultural Resources

The National Historic Preservation Act (NHPA) directs federal agencies to take into account the effect of any undertaking on historic properties. "Historic property" is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. Typically, a historic property must be at least 50 years old and with retained integrity.

4.9.1 Existing Condition

The interim facility and proposed facility locations are not mapped as archaeologically sensitive areas as shown on NYSHPO GIS online interactive mapping. There are no known National Register listed historic properties within or immediately adjacent to the sites.

Additional information regarding National Register Eligible properties and historic archaeological sites within the broader 1.5 mile radius of the proposed facility is found as described in the *Phase I Cultural Resource Investigation for TLC Health Care Facility (11024 Bennett Road), Town of Hanover, Chautauqua County, New York (Peltier and Orazio, 2011)* included in Appendix H.

4.9.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on historic properties.

Proposed Action

The Proposed Action involves ground disturbing activities at the proposed site. The Applicant consulted with NYSHPO and received a letter stating No Impact upon cultural resources (see Appendix H). The Applicant also conducted a Phase I archeological investigation after receipt of the NYSHPO letter of concurrence with no impact finding. The Phase I (IA & IB) investigation further confirmed the absence of prehistoric cultural material at the site. FEMA has found that the proposed action would result in no historic properties affected.

4.10 Visual Resources

4.10.1 Existing Condition

The vicinity to the interim site is a developed mixed use area. The proposed site is currently utilized as a vineyard. The new clinic will be constructed on 2-acres of this parcel, and removal of

vines and associated trellises will be required. Of the two acre parcel owned by the Applicant only that area required to be developed will be cleared to facilitate construction of the new facility. The balance of the estimated 29-acre area will be maintained as an active vineyard.

4.10.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on visual resources.

Proposed Action

The Proposed Action would have minor impacts on visual resources. The proposed new site construction would alter the appearance of the agricultural land. In order to minimize adverse impact to visual resources of the rural area, the building design will be architecturally designed to fit with the surrounding context and have residential character. Draft designs of the building have exhibited plans to include a gable-roofed entranceway, stone veneering at the base of the structure, and use of shingle materials for architectural aesthetics. Landscaping of the site will also be employed to minimize impact to visual resources, including planting of shrubs and trees that will provide year round color and interest on the site. The interim facility site would return to a trailer ready site. The proposed action would have no impact on visual resources at the interim facility location.

4.11 Socioeconomics

4.11.1 Existing Condition

According to census data for the period of 2005-2009, the population of the Town of Hanover is on average 7,638 persons. According to census data available at the U.S. Census Bureau website, approximately 134,078 people live in Chautauqua County in a total of 125,538 households. The median income for a household in the County was \$50,833 (2008 data), and in the Town was \$37,567 (2009), as compared to the State average of \$55,980 (2008 data). About 16.32% of persons in the County are below the poverty level.

4.11 Potential Environmental Impacts

No Action

The No Action alternative would adversely impact the Applicant and the Town socioeconomically. The Applicant would not receive the federal public assistance that it is eligible to receive from FEMA for construction of a new permanent facility. It is anticipated that the Applicant would not be able to fully re-establish its medical clinic impacting jobs that support local economic productivity and the health of the community.

Proposed Action

The Proposed Action would have a positive impact on socioeconomics. The Applicant would fully restore its clinic operations to provide essential medical services to the community. The proposed project would benefit jobs at the clinic, and provide temporary job stimulus associated with construction employment opportunities.

4.12 Environmental Justice

EO 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," directs Federal agencies to "make environmental justice part of its

mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

4.12.1 Existing Condition

According to census data, the population of the Town is predominantly white (96.8%). About 16.32% of persons in the County are below the poverty level. Approximately, 14.1% of the Town’s families are at/or below poverty level (2005-2009 data). There is no senior housing or low-income housing complexes in the immediate vicinity of the original or proposed facility sties.

4.12.2 Potential Environmental Impacts

No Action

The No Action alternative would have no disproportionately high or adverse impacts on the human health and human environment of minority or low-income populations.

Proposed Action

The Proposed Action alternative would have no disproportionately high or adverse impacts on the human health and human environment of minority or low-income populations. The proposed project would benefit the entire community with the restoration of the clinic capabilities.

4.13 Public Health and Safety

4.13.1 Existing Condition

The entire Town’s public health and safety was impacted by the 2009 flooding disaster. Floods are the most probable natural cause of emergencies or disasters in this community. The Applicant has not been able to fully restore its clinic since the 2009 disaster incident, thus health services were/are impacted by the lack of full restoration of this operation.

4.13.2 Potential Environmental Impacts

The Applicant’s intent to relocate their clinic operation to a site that is outside the floodplain is a prudent and practicable decision that supports public health and safety.

No Action

The No Action alternative would limit the Applicant’s ability to restore health service capabilities for the community that benefits public health and safety.

Proposed Action

The Proposed Action would fully re-establish the Applicant’s capability to provide health services to the public, benefiting overall public health and safety. The proposed site is located within one mile of the original facility location; therefore, response times and community accessibility would be maintained.

4.14 Utilities

4.14.1 Existing Condition

The interim site was a trailer ready lot. The proposed site has existing utilities (gas and electric) available within the Bennett State Road right-of-way. Potable water would be provided by digging a new well on site in accordance with all applicable regulations. Sanitary waste would be managed

on site via a septic holding tank and absorption leach field in accordance with Chautauqua County Health Department standards. Stormwater would be mitigated on site through the implementation of NYSDEC approved practices. On site excavation will be required to make utility connections and construct sanitary waste and stormwater mitigation practices.

4.14.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on Utilities

Proposed Action

Utilities at the proposed site including gas, electric, water and sanitary waste would be upgraded, and/or established to accommodate the facility. Safety codes and standards would be adhered to for safe installation and future use. No adverse impacts are anticipated as a result of excavation for utility installation. The Applicant would develop plans to manage stormwater runoff on-site.

4.15 Traffic

4.15.1 Existing Condition

The traffic in the vicinity of the interim facility is normal for a developed area. The proposed site is adjacent to an active roadway, Bennett State Road. The project area has existing heavy use transportation routes.

4.15.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on traffic.

Proposed Action

The Proposed Action site is suited for the clinic as it is adjacent to an existing roadway that can handle the minimal increase in traffic due to patients accessing the facility. The new medical clinic will be served by a new 15+/- car parking lot and access drive in accordance with Town of Hanover zoning requirements. The paving will be asphalt and fully accessible per federal guidelines. The new access drive will require a curb cut onto Bennett State Road, and therefore coordination with the regional authority having jurisdiction. Traffic volumes are anticipated on average to be one or less car per hour throughout the business day and not have a negative impact on the existing road network. No revision to public transportation will be necessary.

4.16 Noise

4.16.1 Existing Condition

The ambient noise level in the vicinity of the interim site is normal for a developed area. The proposed site is adjacent to an active roadway, Bennett State Road, adjacent to a manufacturing and distribution facility that operates trucks, and is surrounded by agricultural land subject to farm equipment noises. Thus the project area has existing transportation noise, and truck noise associated with the neighboring facility.

4.16.2 Potential Environmental Impacts

No Action

The No Action alternative would have no impact on noise levels.

Proposed Action

The Proposed Action would cause temporary noise increases due to operation of heavy equipment during construction. The Applicant will be responsible to conduct construction in accordance with any local noise ordinances that may/may not include work hour restrictions. The improved facility to be constructed at the proposed site will not cause a significant increase or change in noise levels at the site with the new medical facility operation.

4.17 Climate Change

Climate change could potentially increase temperatures in the northeast, cause more severe weather incidents to occur, and cause sea level rise. Consideration of climate change does not change the decision-making to implement the proposed project. As stated previously, the Applicant has already made a smart decision in risk reduction by selecting a proposed site outside of a flood-prone area. The proposed new facility building would be designed to current codes and standards to ensure the structure would be sound and able to withstand storms and seismic events.

4.18 Cumulative Impacts

Table 1 summarizes the potential environmental impacts of the No Action and Proposed Action alternative. Neither alternative would significantly adversely impact the environment due to the cumulative assessment of potential impacts. There are no known past or reasonably foreseeable future actions in the project vicinity that would change the cumulative impact determination for the proposed action.

5.0 PERMITS AND CONDITIONS

The Applicant is responsible to obtain all applicable permits for project implementation prior to construction, and to adhere to permit conditions. The proposed family medicine clinic site would require a Town Building Permit and may also require a NYSDEC General Permit for Stormwater Discharges from Construction Activity. It is expected that the Applicant and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction. In addition the permanent clinic will be permitted under the authority of the New York State Department of Health.

The Town of Hanover has issued a Special Use Permit for the site as the Parcel's current zoning classification does not permit health care land use. Chautauqua County Planning has also reviewed the special use permit and taken no exception. In addition the Town of Hanover has approved a subdivision of 2-acre parcel from the 29-acre property, which as of publication of this EA is in the process of being purchased by TLC Health Network. The Town of Hanover Zoning Board of Appeals has completed a Short Environmental Assessment Form for this activity per the State Environmental Quality Review (SEQR) (Article 8 of Environmental Conservation Law) (*See Appendix D*).

Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. If ground disturbing activities during construction reveal any potential archaeological resource discoveries, the Applicant shall immediately cease construction in that area and notify the NYSHPO, NYSOEM and FEMA.

It is recommended that the proposed project site be landscaped with native plant material to avoid the spread of non-native or invasive plants, which is a recommendation consistent with Executive Order 13112 Invasive Species and in support of sustainable site development.

6.0 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

TLC Health Network has conducted public involvement at the local level, as required per NYS regulation regarding Special Use Permits and property subdivision of the Bennett State Rd. parcel. A public meeting was held on April 25, 2011 to present to the community the plan for relocation of the medical offices/clinic facility to the new facility site. As stated in Section 3, the Applicant has conducted alternative analysis and project formulation at a local level to evaluate and screen a number of reasonable alternatives for site selection to arrive at the proposed action. In accordance with NEPA, this Environmental Assessment (EA) Report will be released for a 15-day public review and comment period. Availability of the document for comment will be advertised via a public notice in The Observer newspaper. A hard copy of the EA will be made available for review at Lake Shore Health Care Center 845 Routes 5 & 20, Irving NY 14081; Hanover Town Hall 68 Hanover Street, Silver Creek, NY 14136 and Anderson Lee Library 43 Main St., Silver Creek, NY 14136. An electronic copy of the EA will be available for download from the FEMA website at www.fema.gov/plan/ehp/envdocuments/ea-region2.shtm.

This EA reflects the evaluation and assessment of the Federal government, the decision-maker for the federal action; however, FEMA will take into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public is invited to submit written comments by mail to Ms. Megan Jadrosich, Regional Environmental Officer, FEMA Region II, Mitigation Division, RM1337F, 26 Federal Plaza, NY, NY 10278 or via email to Megan.Jadrosich@dhs.gov.

If no substantive comments are received from the public and/or agency reviewers, the EA will be adopted as final and a Finding of No Significant Impact (FONSI) will be issued by FEMA. If substantive comments are received, FEMA will evaluate and address comments as part of Final Environmental Assessment documentation. The federal government will post the FONSI to the FEMA website.

Copies of the EA will be sent to:

- Town of Hanover
68 Hanover Street
Silver Creek, NY 14136
- NYSOEM
1220 Washington Avenue, Suite 101, Building 22
Albany, NY 12226-2251
- NYSDEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

- USDA-NRCS
441 S. Salina Street, Suite 354
Syracuse, NY 13202

The following agencies will receive notice of the Environmental Assessment's availability:

- Mr. John Bonafide
New York State Office of Parks, Recreation and Historic Preservation
Peebles Island, PO Box 189
Waterford, NY 12188-0189
- Mr. David Stilwell
U.S. Fish and Wildlife Services, New York Field Office
3817 Luker Road
Cortland, NY 13045

7.0 CONCLUSION

During the construction period, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated. Short-term impacts will be mitigated utilizing best management practices, such as silt fences, proper equipment maintenance, and appropriate signage. Environmental impacts of construction will also be minimized per adherence to any required Stormwater Pollution Prevention Plan (SWPPP) and building permit conditions.

At this time, it is anticipated that the proposed action will not have any significant impact upon the human environment. FEMA anticipates that a Finding of No Significant Impact (FONSI) will be issued upon closure of the public review period. The FONSI will be made available on the FEMA website.

8.0 LIST OF PREPARERS

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